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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/815,475 | 03/23/2001 | Benjamin O. Roderique | 010031 | 5333 |
| 7590 | 07/09/2004 | | EXAMINER | |
| David E. Bennett Coats & Bennett, P.L.L.C. 1400 Crescent Green Suite 300 Cary, NC 27511 | | | NGUYEN, DUC M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2685 | |
| | | | DATE MAILED: 07/09/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/815,475 | RODERIQUE, BENJAMIN O. | |
| | Examiner Duc M. Nguyen | Art Unit 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 5/3/04. Claims 5-23 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Chow et al** (US Pat. Number 6,654,615) in view of **Arbel et al** (US Pat No. 5,276,731) and **Parsons et al** (US 6,704,565).

Regarding claim 5, **Chow** discloses a method and system for handling an incoming call for a wireless device (see **col. 4, lines 9-54**), comprising:

- receiving an incoming call at the wireless device on a control channel as claimed (see **col. 4, lines 45-54**);
- identifying a source of the incoming call, and the selection is based on the identified source (see caller ID and screening call, **col. 5, line 19 - col. 6, line 14**).
- transmitting a selected option for handling the incoming call on the control channel as claimed (see **col. 4, lines 45-54**).

However, **Chow** fails to disclose a plurality of messages is stored at a voice mailbox for selection. However, in an analogous art, **Arbel** discloses an incoming call handling method based on caller IDs, wherein a plurality of prerecorded messages are stored in the database for playing back a selected message to the caller based on the origination phone number, or caller ID (see **col. 7, line 42 - col. 9, line 17**). Since **Arbel** and **Chow** both disclose a method wherein the caller ID is used for handling the incoming calls, it would have been obvious to one skilled in the art to further incorporating the above teaching of **Arbel** to **Chow** for storing a plurality of personalized messages dedicated to caller IDs in the mailbox for selection, for providing an enhanced feature to the user of a voice message mailbox (i.e., customized messages dedicated user's status such as on vacation, in the meeting, or dedicated to special people such as mom, or dedicated to unknown, advertisement calls). Here, with the combined teachings of **Arbel** and **Chow**, in order for the wireless device in **Chow** to identify which message in the voice mail system would be selected for playing back to the caller, it is clear that a message identifier would have been obviously transmitted from the wireless device to the voice mail system for identifying the selected message as described by **Parsons** (see **col. 3, lines 22-24, col. 4, lines 13-15 and col. 4, lines 33-40**). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the above teachings of **Parsons**, **Arbel** and **Chow** for sending a message identifier as claimed, in order to indicate to the voice mail system which personalized message would be used for the announcement.

Regarding claim 6, the claim is rejected for the same reason as set forth

in claim 5 above. In addition, since the return selection is transmitted over the control channel as disclosed by **Chow** (see col. 4, lines 46-49), it would have been obvious to one skill in the art that a registration frame would be used for transmitting such selection, in order to utilizing the allocated control channel for transmission of the return selection.

Regarding claim 7, the claim is rejected for the same reason as set forth in claim 5 above. In addition, it is clear that the user of the wireless device should enter (manually select) a code identifying which message to be used for which number (see Arbel, col. 8, lines 45-55 and Parsons, col. 4, lines 33-40).

Regarding claim 8, the claim is rejected for the same reason as set forth in claim 5 above. In addition, since the keypads of the wireless device is used for activating/deactivating feature codes (i.e, see Chow, col. 32, lines 45-60), it would have been obvious that such keypads would also be used for indicating the selection of a message as well, in order to provide DTMF signaling communications.

Regarding claim 9, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Chow** discloses the step of identifying a source of the incoming call, and the selection is based on the identified source as claimed (see caller ID and screening call, **col. 5, line 19 - col. 6, line 14**).

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, it is clear that **Chow** as modified would disclose the “phone book” (see the “call screen list” in **Chow**, see col. 6, lines 1-14), the

selection of the personalized message corresponding to the matched telephone number of the incoming call (see **Arbel**, col. 12, lines 20-23) as claimed.

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, **Chow** as modified would disclose a default pre-recorded message as claimed (see col. 40, lines 45-57), in order to return a response regarding the status of the call to the caller.

Regarding claim 12, the claim is rejected for the same reason as set forth in claim 11 above, whereas it would have been obvious to play back a default pre-recorded message as claimed, in order to return a response regarding the status of the call to the caller.

Regarding claims 13-14, the claims are rejected for the same reason as set forth in claim 5 above.

Regarding claim 15, the claim is rejected for the same reason as set forth in claim 6 above.

Regarding claim 16, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** discloses the selection is performed automatically (see col. 4, lines 3-7).

Regarding claim 17, the claim is rejected for the same reason as set forth in claim 7 above.

Regarding claim 18, the claim is rejected for the same reason as set forth in claim 8 above.

Regarding claim 19, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** discloses the identifying step as claimed (see caller ID, col. 5, lines 19-30).

Regarding claim 20, the claim is rejected for the same reason as set forth in claim 10 above.

Regarding claim 21, the claim is rejected for the same reason as set forth in claim 11 above.

Regarding claim 22, the claim is rejected for the same reason as set forth in claim 13 above. In addition, it is clear that when the user is in the meeting mode, the user would not want to receive any incoming call (see Chow, col. 34, lines 30-33). This meeting mode would read on the “unavailable mode”. Since manually or automatically setting the phone in a “meeting mode” is well known in the art, it would have been obvious to one skill in the art to further modify the above teachings of **Parsons**, **Arbel** and **Chow** for providing an “unavailable mode” as claimed, in order to avoid disruption at a particular times (i.e., in the meeting).

Regarding claim 23, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** as modified would disclose the recording step as claimed (see **Arbel**, col. 11, lines 35-46).

Response to Arguments

Applicant's arguments with respect to claims 5, 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any response to this final action should be mailed to:

Box A.F.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Art Unit: 2685

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



June 28, 2004